

House File 2562

H-8309

1 Amend House File 2562 as follows:

2 1. By striking page 5, line 35, through page 16, line 9, and
3 inserting:

4 <DIVISION ____
5 REGULATION BY COUNTIES AND CITIES — CONTINUING NONCONFORMING
6 USES

7 Sec. ____ . Section 335.3, subsection 2, Code 2022, is amended
8 to read as follows:

9 2. a. When Except as provided in paragraph "b", when there
10 is a replacement of a preexisting manufactured, modular, or
11 mobile home with another any other manufactured, modular, or
12 mobile home containing no more than the original number of
13 dwelling units, or a replacement of a preexisting site-built
14 dwelling unit with a manufactured, modular, or mobile home or
15 site-built dwelling unit, within a manufactured home community
16 or a mobile home park, the board of supervisors shall not
17 adopt or enforce any ordinance, regulation, or restriction,
18 or impose any conditions on the replacement home, home site
19 upon which the home sits, or the owner's property that were not
20 required of the preexisting home, home site, or property, that
21 would prevent the continuance of the property owner's lawful
22 nonconforming use that had existed relating to the preexisting
23 home unless any of the following apply:, home site upon which
24 the home sat, or the owner's property.

25 b. Paragraph "a" does not apply if any of the following
26 conditions exist:

27 a. (1) A discontinuance is necessary for The replacement of
28 the particular home would result in an increased risk to the
29 safety of life or property.

30 b. (2) The property owner has discontinued and abandoned
31 the nonconforming use has been discontinued for the period
32 of time established by ordinance, unless such discontinuance
33 is caused by circumstances outside the control of the
34 property owner. The period of time so established shall be
35 not less than one year. For purposes of this subparagraph,

1 circumstances outside the control of the property owner
2 include floods, fires, destructive thunderstorm events such
3 as derechos and tornadoes, and similar catastrophic events
4 causing widespread or localized severe property damage. For
5 purposes of this subparagraph, a property owner shall not be
6 considered to have discontinued and abandoned the nonconforming
7 use if the property owner demonstrates that the applicable home
8 site continues to be available for use as a home site for a
9 replacement home.

10 ~~e.~~ (3) The replacement results in the overall nature and
11 character of the present use being substantially or entirely
12 different from the original lawful preexisting nonconforming
13 use.

14 ~~d.~~ (4) The replacement results in an obstruction to a
15 shared driveway or shared sidewalk providing vehicular or
16 pedestrian access to other homes and uses unless the property
17 owner makes modifications to such shared driveway or sidewalk
18 that extinguishes such obstruction or the effects of such
19 obstruction.

20 Sec. _____. Section 414.1, subsection 1, paragraph c, Code
21 2022, is amended to read as follows:

22 c. (1) ~~When~~ Except when provided in subparagraph (2), when
23 there is a replacement of a preexisting manufactured, modular,
24 or mobile home with ~~another~~ any other manufactured, modular,
25 or mobile home containing no more than the original number of
26 dwelling units, or a replacement of a preexisting site-built
27 dwelling unit with a manufactured, modular, or mobile home or
28 site-built dwelling unit, within a manufactured home community
29 or a mobile home park, the city shall not adopt or enforce any
30 ordinance, regulation, or restriction, or impose any conditions
31 on the replacement home, home site upon which the home
32 sits, or the owner's property that were not required of the
33 preexisting home, home site, or property, that would prevent
34 the continuance of the property owner's lawful nonconforming
35 use that had existed relating to the preexisting home ~~unless~~

1 ~~any of the following apply~~, home site upon which the home sat,
2 or the owner's property.

3 (2) Subparagraph (1) does not apply if any of the following
4 conditions exist:

5 ~~(1)~~ (a) ~~A discontinuance is necessary for~~ The replacement
6 of the particular home would result in an increased risk to the
7 safety of life or property.

8 ~~(2)~~ (b) The property owner has discontinued and abandoned
9 the nonconforming use has been discontinued for the period of
10 time established by ordinance, unless such discontinuance is
11 caused by circumstances outside the control of the property
12 owner. The period of time so established shall be not less
13 than one year. For purposes of this subparagraph division,
14 circumstances outside the control of the property owner
15 include floods, fires, destructive thunderstorm events such as
16 derechos and tornadoes, and similar catastrophic events causing
17 widespread or localized severe property damage. For purposes
18 of this subparagraph division, a property owner shall not be
19 considered to have discontinued and abandoned the nonconforming
20 use if the property owner demonstrates that the applicable home
21 site continues to be available for use as a home site for a
22 replacement home.

23 ~~(3)~~ (c) The replacement results in the overall nature and
24 character of the present use being substantially or entirely
25 different from the original lawful preexisting nonconforming
26 use.

27 ~~(4)~~ (d) The replacement results in an obstruction to a
28 shared driveway or shared sidewalk providing vehicular or
29 pedestrian access to other homes and uses unless the property
30 owner makes modifications to such shared driveway or sidewalk
31 that extinguishes such obstruction or the effects of such
32 obstruction.>

33 2. Title page, lines 5 and 6, by striking <the repeal of the
34 manufactured home community and mobile home tax,> and inserting
35 <regulation by counties and cities of continuing nonconforming

1 uses of manufactured, modular, and mobile homes,>
2 3. By renumbering as necessary.

LOHSE of Polk